

May 16, 2022

Honorable Gary R. Brown, United States District Judge  
United States District Court, Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

**Re: *Leacraft v. Canon U.S.A., Inc.*, Case No. 2:21-cv-05688**

Dear Judge Brown:

We write jointly on behalf of Plaintiff, David Leacraft, and Defendant, Canon U.S.A., Inc. (“Canon USA”). On April 28, 2022, the Court issued an Order permitting Plaintiff to file an amended complaint within fourteen days—*i.e.*, by May 12, 2022.

The amended complaint added claims on behalf of five new named plaintiffs (in addition to Mr. Leacraft), arising under the California Consumers Legal Remedies Act, Cal. Civ. Code § 1770 *et seq.*, and the Texas Deceptive Trade Practices Act, Tex. Bus. & Com. Code Ann. § 17.46 *et seq.* Plaintiff provided Defendant with a pre-suit notice letter regarding the claims to be asserted under those two statutes on May 6, 2022. Each of those statutes provides for a pre-suit notice and demand period of either 30 or 60 days.

The parties disagree about whether those pre-suit notice and demand requirements are met by the existing correspondence. Rather than ask the Court to resolve that threshold issue, the parties propose that the Court hold this action in abeyance until the parties have had an opportunity to work through the statutory pre-suit notice and demand issues. The parties intend to use that time to meet and confer in good faith regarding inspection and demonstration of the scanning functions of the printers at issue. The parties would reserve their respective rights regarding the amended complaint, including the issue of the Court’s subject matter jurisdiction.

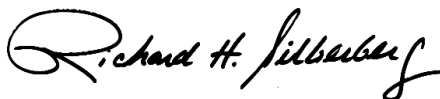
We thank the Court for its consideration.

Respectfully submitted,



Mark S. Reich  
LEVI & KORSINSKY LLP  
55 Broadway, 10<sup>th</sup> Floor  
New York, NY 10006  
(212) 363-7500  
mreich@zlk.com

*Counsel for Plaintiff David Leacraft*



Richard H. Silberberg  
DORSEY & WHITNEY LLP  
51 West 52<sup>nd</sup> St, 9<sup>th</sup> Floor  
New York, NY 10019  
(212) 415-9200  
silberberg.richard@dorsey.com

*Counsel for Defendant Canon U.S.A., Inc.*